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December 27, 2012

### VIA LAWYERS SERVICE

John K. Bennett, Esq.  
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Morristown, New Jersey 07960-6834

**RE: *Eric Murdock v. Rutgers, The State University of New Jersey***

Dear Mr. Bennett:

Following up on your recent telephone conversation with my colleague, Raj Gadhok, Esq., during which you discussed the preliminary results of your investigation into Eric Murdock's wrongful termination claims against Rutgers University, President Barchi, former President McCormick, Tim Perneti and Mike Rice, enclosed please find a CD containing audio recordings of telephone conversations involving Mr. Murdock, Mr. Rice and Mr. Perneti which took place in June 2012.

Please note that each of the subject telephone conversations took place *before* adverse employment action was taken against Mr. Murdock as made abundantly clear by Mr. Perneti during their conversation. Moreover, Mr. Murdock's report of the inappropriate conduct of Mr. Rice is referenced in both conversations even though Mr. Rice was understandably less than forthcoming in his (prepared) communications.

We find it astonishing that even to this day, Mr. Rice and others within the Rutgers community refuse to admit that they were aware of player abuse by Mr. Rice prior to our in-person video presentation on November 26, 2012. Given the videotapes and the fact that

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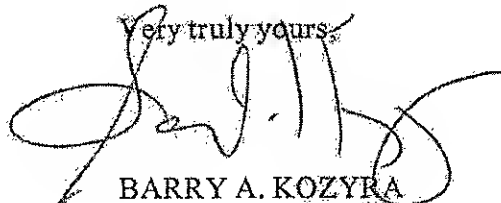
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much of the abuse occurred at the Rutgers Athletic Center in plain view, Rutgers should have been aware. Again, *Mr. Rice's inappropriate behavior and acts were previously raised by Mr. Murdock many months ago with many Rutgers management personnel prior to his wrongful and illegal termination and before presentation of the video.* We again raised these issues in our letter of July 11, 2012 to Interim President Richard L. Edwards and Athletic Director Tim Perneti in which we requested a prompt meeting to discuss these issues. Even then, it appears as though no investigation was conducted until late-November, after the basketball season had already started and only when the damning video was presented. Moreover, the enclosed recordings establish that the only action taken as a result of the report of Mr. Rice's misconduct was that Eric Murdock's promised contract was withdrawn.

As you are well aware, we have done everything possible to assist you and the University in investigation of this matter and our recent production of Mr. Murdock for interview and the enclosed audio recordings are further evidence of our good faith efforts to resolve this matter without litigation. However, we cannot and will not wait indefinitely to bring final resolution to this matter. While we believe that the recent suspension and fine of Mr. Rice and his enrollment in anger management and future monitoring of his conduct (as we suggested) was a small step in the right direction, it is unfathomable to think that Mr. Rice's employment with the University (at the cost of the taxpayers of this State) continues, while Mr. Murdock remains unemployed for simply having done the right thing.

We are willing to give your clients until the close of business on Friday, January 4, 2013, to address final resolution of this matter. Otherwise, we have already prepared a Complaint and will file suit without further notice. To resolve his claims for damages inclusive of attorney fees and costs, Mr. Murdock is willing to accept \$950,000.00.

We look forward to your prompt attention to this matter.

Very truly yours,  
  
BARRY A. KOZYRA

BAK:rg  
Enclosure

cc: Raj Gadhok, Esq. (via email)